



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Monticello Field Office  
P.O. Box 7  
Monticello, Utah 84535  
<http://www.blm.gov/utah/monticello>



IN REPLY REFER TO:

DEC - 2 2005

UTU-69775  
UTU-69776  
(UT-090)

Mr. Kyle Kimmerle  
Kimmerle Mining LLC  
4056 Beeman Road  
Moab, Utah 84532

Re: Approval of Plan of Operations, Kimmerle Mining LLC, Neighbor Mine, UTU-69776, East Canyon, San Juan County, Utah and Closure of File UTU-69775, Notice of Intent to Conduct Exploration at the Neighbor Mine

Dear Mr. Kimmerle:

In evaluating the subject plan of operations (Plan), an environmental assessment (EA) was prepared to document our analysis of potential environmental impacts. Based on that evaluation, I have determined that your Plan would not cause unnecessary or undue degradation of Federal lands or resources and that your proposed operations are reasonably incident to prospecting and mining. Therefore, your Plan is hereby approved. Approval is contingent on the following stipulations.

1. Operations shall: be conducted in accordance with the approved Plan; meet the applicable performance standards specified by regulations at 43 CFR 3809.420, and; comply with all pertinent federal and state laws and regulations.
2. The operator will be responsible for noxious weed control on all areas disturbed by its operations. Pesticides will be used in accordance with registered uses and within limitations imposed by the Secretary of Interior.
3. If vertebrate fossil material is found during mining operations, the mine operator will immediately cease all operations that could alter or destroy the fossil material and notify the BLM authorized officer. Within ten days of notification, the BLM will evaluate the discovery, take action to protect or remove the resource, and allow operations to proceed.

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DIV. OF OIL, GAS & MINING

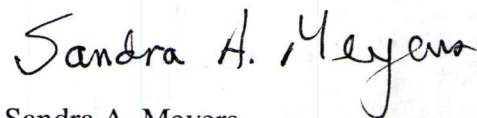
4. Prior to beginning operations in the existing underground mine workings, the operator shall enter the mine and look for bats. If bats are found in a group(s) of ten or more, the operator shall immediately stop work in the vicinity of the bats and notify the BLM authorized officer and the Utah Division of Oil, Gas and Mining (UDOGM), Mineral Reclamation Program. Within ten days the authorized officer will do the necessary survey to evaluate the situation and will notify the operator of any measures needed to protect the bats.
5. If operations begin in the spring/summer, and if birds are found nesting inside the existing mine adit prior to start-up operations, work inside the mine or immediately outside the mine portal shall be postponed until the young birds have fledged.
6. A financial guarantee (bond) sufficient to cover the cost of reclamation is required before operations can begin. The reclamation bond must be accepted by the BLM authorized officer and the UDOGM. The UDOGM will serve as the lead agency in determining the bond amount and type.

Approval of this Plan will not now, or in the future serve as a determination of the validity of any mining claim to which it may relate. Approval of this Plan does not authorize access across private or state land. It is your responsibility as the mine operator to ensure legal access.

On June 22, 2005 this office accepted your notice of intent to conduct exploration at the Neighbor Mine (UTU-69775). Because approval of the above Plan authorizes the same exploration activity proposed under your notice, we will close the file on the exploration notice.

You must notify this office prior to final abandonment of the site so an inspection of reclamation can be done. If you have any questions, please contact Ted McDougall of my staff at (435) 587-1512.

Sincerely,



Sandra A. Meyers  
Field Office Manager

cc: Paul Baker  
State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801